



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0152

Introduced 1/11/2005, by Rep. Paul D. Froehlich - Barbara Flynn Currie - Julie Hamos - Karen May

SYNOPSIS AS INTRODUCED:

5 ILCS 140/3

from Ch. 116, par. 203

Amends the Freedom of Information Act. Provides that an officer or employee of a public body that purposely stalls the processing of a request under the Act by asserting in bad faith one or more of the Act's reasons for delaying such processing is guilty of a petty offense subject to a \$1,000 fine.

LRB094 03701 JAM 33706 b

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Freedom of Information Act is amended by
5 changing Section 3 as follows:

6 (5 ILCS 140/3) (from Ch. 116, par. 203)

7 Sec. 3. (a) Each public body shall make available to any
8 person for inspection or copying all public records, except as
9 otherwise provided in Section 7 of this Act. Notwithstanding
10 any other law, a public body may not grant to any person or
11 entity, whether by contract, license, or otherwise, the
12 exclusive right to access and disseminate any public record as
13 defined in this Act.

14 (b) Subject to the fee provisions of Section 6 of this Act,
15 each public body shall promptly provide, to any person who
16 submits a written request, a copy of any public record required
17 to be disclosed by subsection (a) of this Section and shall
18 certify such copy if so requested.

19 (c) Each public body shall, promptly, either comply with or
20 deny a written request for public records within 7 working days
21 after its receipt. Denial shall be by letter as provided in
22 Section 9 of this Act. Failure to respond to a written request
23 within 7 working days after its receipt shall be considered a
24 denial of the request.

25 (d) The time limits prescribed in paragraph (c) of this
26 Section may be extended in each case for not more than 7
27 additional working days for any of the following reasons:

28 (i) the requested records are stored in whole or in
29 part at other locations than the office having charge of
30 the requested records;

31 (ii) the request requires the collection of a
32 substantial number of specified records;

1 (iii) the request is couched in categorical terms and
2 requires an extensive search for the records responsive to
3 it;

4 (iv) the requested records have not been located in the
5 course of routine search and additional efforts are being
6 made to locate them;

7 (v) the requested records require examination and
8 evaluation by personnel having the necessary competence
9 and discretion to determine if they are exempt from
10 disclosure under Section 7 of this Act or should be
11 revealed only with appropriate deletions;

12 (vi) the request for records cannot be complied with by
13 the public body within the time limits prescribed by
14 paragraph (c) of this Section without unduly burdening or
15 interfering with the operations of the public body;

16 (vii) there is a need for consultation, which shall be
17 conducted with all practicable speed, with another public
18 body or among two or more components of a public body
19 having a substantial interest in the determination or in
20 the subject matter of the request.

21 (e) When additional time is required for any of the above
22 reasons, the public body shall notify by letter the person
23 making the written request within the time limits specified by
24 paragraph (c) of this Section of the reasons for the delay and
25 the date by which the records will be made available or denial
26 will be forthcoming. In no instance, may the delay in
27 processing last longer than 7 working days. A failure to render
28 a decision within 7 working days shall be considered a denial
29 of the request. An officer or employee of a public body who
30 purposely stalls the processing of a request by asserting in
31 bad faith one or more of the reasons for extension under
32 subsection (d) is guilty of a petty offense subject to a fine
33 of \$1,000.

34 (f) Requests calling for all records falling within a
35 category shall be complied with unless compliance with the
36 request would be unduly burdensome for the complying public

1 body and there is no way to narrow the request and the burden
2 on the public body outweighs the public interest in the
3 information. Before invoking this exemption, the public body
4 shall extend to the person making the request an opportunity to
5 confer with it in an attempt to reduce the request to
6 manageable proportions. If any body responds to a categorical
7 request by stating that compliance would unduly burden its
8 operation and the conditions described above are met, it shall
9 do so in writing, specifying the reasons why it would be unduly
10 burdensome and the extent to which compliance will so burden
11 the operations of the public body. Such a response shall be
12 treated as a denial of the request for information. Repeated
13 requests for the same public records by the same person shall
14 be deemed unduly burdensome under this provision.

15 (g) Each public body may promulgate rules and regulations
16 in conformity with the provisions of this Section pertaining to
17 the availability of records and procedures to be followed,
18 including:

19 (i) the times and places where such records will be
20 made available, and

21 (ii) the persons from whom such records may be
22 obtained.

23 (Source: P.A. 90-206, eff. 7-25-97.)